IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.135 OF 2007

Pappu @ Krishna Gangadhar Pukale ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Mr.Agandsurve, adv. for the Applicant.
Smt. R.M.Gadhvi, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 20th February, 2007.

P.C.:

1. Heard Mr.Agandsurve, the learned counsel for the applicant and Ms.Gadhavi, the learned APP for the State.

2. The applicant seeks to be released on bail in Crime No.87 of 2006 registered at Barshi Police Station for the offences punishable under Sections 302, 201 read with Section 34 of the I.P.C.

3. The prosecution case in brief is that the deceased Lilavati was the second wife of accused Gangadhar. The present applicant is son of Gangadhar from his first wife. Both the accused as also the mother of Gangadhar and the deceased Lilavati used to live together. The marriage of Gangadhar and Lilavati took place in 1990 and since then Gangadhar used to

harass her suspecting her character. On 4-7-2006 in the evening, the accused persons were present in their house. At about 5.30 p.m. two other women were sitting with Jamunabai mother of Gangadhar outside the house. At that time, Jamunabai asked the present applicant to make tea for them. On query from those two ladies, Jamunabai told them that her daughter-in-law was not keeping well. At about 6.30 p.m. the present applicant shouted and called Malikarjun Savalgi and Ulhas Pichake and informed that some smoke was coming from the window of the house. Thereafter, these persons entered in the kitchen and found that Lilavati was lying dead and she was burnt. Later on in the post-mortem examination, it was revealed that she had died due to throttling and the burns were post-mortem injuries. These facts indicate that Lilavati must have died due to throttling before people from outside were called at 6.30 p.m. It appears that the present applicant and his father Gangadhar were present in the house when this incident occurred. No outside person was involved in the commission of offence. Taking into consideration the circumstances, prima-facie it appears that Lilavati was murdered by throttling by the inmates of the house and to destroy the evidence of murder, her body was put to fire. Jamunabai, who is a mother of Gangadhar, being a old lady, is granted bail. Taking into consideration the

circumstances, I find that the present applicant does not deserve to be granted bail. Possibility of tampering the prosecution evidence can not be ruled out if the bail is granted.

4. For the aforesaid reasons, application stands rejected.

(J.H.Bhatia,J.)